

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CYTIVA SWEDEN AB, and)	
GLOBAL LIFE SCIENCES)	
SOLUTIONS USA, LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 18-1899-CFC-SRF
)	
BIO-RAD LABORATORIES, INC.,)	CONSOLIDATED
)	
Defendant.)	

UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL

Trial in this matter is currently scheduled to commence on June 21, 2021. In light of ongoing COVID-19-related health concerns, and specific concerns raised by certain of Plaintiffs' witnesses and key individuals that need to travel from Sweden for trial, Plaintiffs respectfully request a continuance of the trial until September 2021 or as soon thereafter as this Court's schedule permits. This request is made to ensure the safety of Plaintiffs' employees, as well as other individuals that would be required to attend the trial, and to ensure a fair and efficient resolution of the case. Defendant Bio-Rad Laboratories, Inc. does not oppose this request.

Current COVID-19 related travel restrictions and health concerns limit the availability of certain of Plaintiffs' employees to attend trial in June. Specifically,

many of Plaintiffs' fact witnesses, its client representative, and one of its counsel who has been managing this litigation, live in Sweden. Swedish authorities as well as the CDC continue to recommend avoiding international travel, especially for those who are not vaccinated. Additionally, because Sweden is lagging behind the United States in vaccinating its population, a number of these Sweden-based employees have expressed concerns about traveling internationally prior to their vaccination, which appears unlikely to occur prior to the current trial date.

Plaintiffs raise this issue now, with trial just over two months away, to enable both sides and the Court to facilitate an alternative trial date and more safely make plans for trial. Plaintiffs would like to have as many witnesses appear live before the jury as is possible, as well as have their client representative and in-house counsel personally attend, and to minimize the burden on the Court. There will be no prejudice to the parties as a result of a short continuance, as discovery is complete and summary judgment motions have been fully briefed (subject to Plaintiffs' pending motion for leave to submit a sur-reply, D.I. 253); there is no concern for loss of evidence.

Accordingly, Plaintiffs request that trial be continued until September 2021 or as soon as possible thereafter as this Court's schedule permits, as well as a concomitant continuance of the pre-trial conference date. In the event that the Court grants this request and resets the trial and pre-trial conference dates,

Plaintiffs will confer with Defendant on the remainder of the upcoming deadlines, to ensure that the joint final pretrial order and jury materials are submitted pursuant to the Court's requirements and D. Del. LR 16.3. Should the Court wish to address this scheduling issue with the parties, Plaintiffs are available at the Court's convenience.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter the enclosed proposed order.

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and federal agencies

Dated: April 16, 2021

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1.1

Pursuant to Local Rule 7.1.1, plaintiffs' counsel certifies that it has raised the subject of the foregoing motion with counsel for defendant, and that defendant does not oppose this motion.

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 16.4

Pursuant to Local Rule 16.4 , plaintiffs' counsel certifies that counsel has sent a copy of this motion to Plaintiffs.

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